

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

GENA SMITH,)
)
Plaintiff,)
)
v.) NO. 3:11-0309
) Judge Haynes/Bryant
FLAGSTAR BANK, et al.,)
)
Defendants.)

TO: The Honorable William J. Haynes, Jr.

REPORT AND RECOMMENDATION

Pending in this case is defendant Foundation Financial Group, LLC's motion for summary judgment (Docket Entry No. 9). As grounds for this motion, defendant Foundation states that there is no dispute regarding any material fact, and that it is entitled to judgment as a matter of law.

In response to this motion, plaintiff and defendant Foundation have filed a paper entitled "Summary Judgment" (Docket Entry No. 16), which appears, at least to this Magistrate Judge, to amount to a stipulation by plaintiff and this defendant that defendant's motion for summary judgment should be granted, and that all claims in the complaint against this defendant only should be dismissed with prejudice.

Based upon the foregoing, the undersigned Magistrate Judge finds that defendant Foundation's motion for summary judgment should be **GRANTED**.

RECOMMENDATION

For the reason stated above, the undersigned Magistrate Judge **RECOMMENDS** that the motion for summary judgment filed on behalf of defendant Foundation Financial Group, LLC, should be **GRANTED**, and that all claims against this defendant **only** should be **DISMISSED** with prejudice.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days from service of this Report and Recommendation in which to file any written objections to this Recommendation, with the District Court. Any party opposing said objections shall have fourteen (14) days from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within fourteen (14) days of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. Thomas v. Arn, 474 U.S. 140 (1985), reh'q denied, 474 U.S. 1111 (1986).

ENTERED this 25th day of July, 2011.

s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge